THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7685 OF 2003

DATED: 14th DECEMBER, 2005

Between

M.Madhava Reddy, S/o late M.Narasimha Reddy

… Petitioner

and

The Commissioner of Police, Hyderabad City, Andhra Pradesh

and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7685 OF 2003

ORDER:

The petitioner seeks a writ of mandamus directing the respondents 1 and 2 herein to entrust investigation in crime No.57 of 2002 of P.S., Humayun Nagar to a Senior Police Officer of the rank of Assistant Commissioner of Police by withdrawing the investigation from P.S., Humayun Nagar.

The petitioner herein lodged a complaint on the file of the Special Court under Cooperative Cases (District Munsif), Hyderabad under Sections 420, 468 and 471 of Indian Penal Code, 1860, alleging that respondents 3 to 8 have brought into existence the forged Minutes of General Body Meeting with an intention to grab plot Nos.3, 4 and 5 belonging to the petitioner. On being referred, the second respondent registered crime No.57 of 2002 and took up investigation. The petitioner alleges that the second respondent did not make any progress even after one year of lodging the complaint and that the third respondent in influencing the investigating officer. It is also alleged that respondents 4 to 7 are influential persons having a clout with the investigating officer and unless and until the case is investigated by a Senior Police Officer, the petitioner would not get proper justice.

The second respondent has filed a counter affidavit, *inter alia,* stating that after completing the investigation, the case was closed due to lack of evidence in the month of December, 2002, after obtaining necessary permission of the Assistant Commissioner of Police, Asifnagar. In that view of the matter, nothing survives for adjudication. It shall, however, be open to the petitioner to obtain a copy of the final report under Section 173(2)(ii) of Code of Criminal Procedure, 1973 from the appropriate Court and file his objections, if the said Court has not so far closed the case.

The writ petition, with the above observations, is dismissed. No costs.

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(V.V.S.RAO,J)

14.12.2005.

pln